

**Introduced by Senator Ducheny**

February 27, 2009

---

An act to add Division 12.8 (commencing with Section 132800) to the Public Utilities Code, relating to transportation.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 607, as introduced, Ducheny. Imperial County Transportation Commission.

Existing law establishes various local entities to carry out transportation functions within their respective areas of jurisdiction.

This bill would create the Imperial County Transportation Commission and would provide that the commission is the successor agency to the Imperial Valley Association of Governments. The bill would establish the composition of the governing board of the commission and enact provisions relative to the administration of the commission. The bill would require the commission to prepare a short-range transportation plan that includes the development and approval of a 3- to 5-year transportation improvement program. The bill would also make the commission responsible for administering funds deposited in the local transportation fund and for preparing a short-range transit plan, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Division 12.8 (commencing with Section 132800) is added to the Public Utilities Code, to read:

DIVISION 12.8. IMPERIAL COUNTY TRANSPORTATION  
COMMISSION

CHAPTER 1. GENERAL PROVISIONS AND CREATION OF  
COMMISSION

132800. There is hereby created the Imperial County Transportation Commission. The commission shall be the successor agency to the Imperial Valley Association of Governments and shall assume all assets and liabilities of that entity. The area of jurisdiction of the commission shall consist of all of the incorporated and unincorporated area of Imperial County.

132801. (a) The governing board of the commission shall consist of the following members:

(1) Two members of the Imperial County Board of Supervisors.

(2) One member from each incorporated city within Imperial County who shall be the mayor of the city or a member of its city council. The term of a member under this subdivision terminates when he or she ceases to hold that office or when replaced by the city council.

(3) One nonvoting member representing the Imperial Irrigation District.

(4) One nonvoting member appointed by the Governor.

(5) One nonvoting member appointed by the federally recognized Native American tribes in Imperial County.

(b) The governing board of the commission may also include the following nonvoting members:

(1) One member representing the State of Baja California, Mexico, who may be appointed by the governor of the state.

(2) One member representing the municipality of Mexicali, Mexico, who may be the mayor or his or her designee.

CHAPTER 2. ADMINISTRATION

132810. The governing board of the commission at its first meeting, and thereafter annually at the first meeting in January, shall elect a chairperson from its members who shall preside at all meetings, and a vice chairperson who shall preside in his or her absence. In the event of their absence or inability to act, the members present, by an order entered in the minutes, shall select one of their members to act as chairperson pro tempore, who, while so acting shall have all of the authority of the chairperson.

132811. The board shall establish rules for its proceedings consistent with the law of the State of California.

132812. A majority of the voting members of the board shall constitute a quorum for the transaction of business and all official acts of the commission. All official acts of the board require the affirmative vote of the majority of the voting members of the board.

132813. The acts of the board shall be expressed by motion, resolution, or ordinance.

132814. (a) All meetings of the board shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(b) All meetings of committees established by the board shall be held pursuant to Section 54952.3 of the Government Code, and no other provision of the Ralph M. Brown Act shall apply to meetings of those committees.

(c) Any committee of the board shall have a membership of at least three voting members.

132815. The board shall do the following:

(a) Adopt an annual budget and fix the compensation of its officers and employees.

(b) Adopt an administrative code, by ordinance, which shall prescribe the powers and duties of commission officers, the method of appointment of commission employees, and methods, procedures, and systems of operation and management of the commission.

(c) Cause a postaudit of the financial transactions and records of the commission to be made at least annually by a certified public accountant.

(d) Appoint a technical advisory committee of representatives from all of the transit operators in the county, all of the incorporated cities in the county, the county, and the Department of Transportation.

(e) Appoint such other advisory committees the board deems necessary.

132816. Notice of time and place of the public hearing for the adoption of the annual budget shall be published pursuant to Section 6061 of the Government Code, and shall be published not later than the 15th day prior to the date of the hearing. The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

### CHAPTER 3. POWERS AND FUNCTIONS

132820. The commission may do any of the following:

(a) Use up to 3 percent of the revenues in the local transportation fund for the purpose of carrying out its responsibilities.

(b) Sue and be sued.

(c) Enter into contracts with qualified vendors to further the purposes of the commission.

(d) Do any and all things necessary to carry out the purposes of this division.

132824. The commission shall undertake the following:

(a) Prepare a short-range transportation plan that includes the development and approval of a three- to five-year transportation improvement program, as follows:

(1) The transportation improvement program shall apply to all projects funded with state, local, and federal funds.

(2) The transportation improvement program shall be developed in coordination and consultation with the multicounty designated transportation planning agency, and shall be consistent with that agency's regional transportation plan.

(3) The county commission and the multicounty designated transportation planning agency shall enter into a memorandum of understanding specifying the process for preparing the transportation improvement program.

(4) The commission shall consult with its member agencies, the Department of Transportation, adjacent counties, and other entities

1 public and private when preparing its short-range plan and  
2 transportation improvement program.

3 (b) The commission shall be responsible for administering the  
4 funds deposited in the local transportation fund according to the  
5 terms and conditions of the Mills-Alquist-Deddeh Act (Chapter 4  
6 (commencing with Section 99200) of Part 11 of Division 10),  
7 which is also known as the Transportation Development Act, or  
8 any successor to that act.

9 (c) The commission shall be responsible for preparing the  
10 short-range transit plan required by the Transportation  
11 Development Act.

12 SEC. 2. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district are the result of a program for which legislative authority  
16 was requested by that local agency or school district, within the  
17 meaning of Section 17556 of the Government Code and Section  
18 6 of Article XIII B of the California Constitution.